**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.5594 OF 1999

**21.02.2006**

Between:

Suryavamsa Arya Katika Sangham, Mahaboobnagar

… Petitioner

AND

The Commissioner, Mahaboobnagar Municipality

And others

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.5594 OF 1999

ORDER:

Suryavamsa Arya Katika Sangham, Mahaboobnagar is the petitioner seeking a writ of Mandamus declaring the action of Mahaboobnagar Municipality in not granting a licence to construct slaughterhouse in the land comprised in survey No.1023 of Mahaboobnagar as illegal and arbitrary.

It is the case of the petitioner that the association has 250 members, who are traditional butchers. It appears that they are running a old slaughter house at T.D.Gutta, Mahaboobnagar for more than seven decades. On a visit to the place, Hon'ble Lok Ayukta of Andhra Pradesh passed orders in C.P.No.135 of 1996, dated 03.10.1996 directing closure of the slaughterhouse. In obedience thereto, Municipality closed the slaughterhouse. Aggrieved by the same, the petitioner filed a suit being O.S.No.56 of 1997 on the file of the Court of the District Munsif, Mahaboobnagar and obtained orders of *status quo*. Subsequently, the suit was withdrawn. Be that as it is, in the meanwhile, the Municipality constructed new slaughterhouse on Kosigi road. The petitioner association alleges that the same is not convenient and is situated from inhospitable conditions. Therefore, the petitioner made an application on 03.11.1998 to the respondents seeking permission to

construct a slaughterhouse in the land admeasuring 908 Sq.yards in survey No.1023 allegedly owned by the petitioner. As no orders are passed thereon, the present writ petition is filed.

Section 271 of the A.P.Municipalities Act, 1965 (the Act, for brevity) requires Municipality not only to provide sufficient number of places for use as Municipal slaughterhouses and may charge rents and fees for their use. As per Section 273 of the Act, no person can slaughter, within Municipality except in a public or licenced slaughterhouse, any animal for sale as food or skin. Section 271 of the Act requires any owner of a place, which is used as a slaughterhouse to obtain a licence from Municipal Health Officer before commencing the slaughterhouse. It is no doubt true that when once a Municipal slaughterhouse is established, no person can be allowed to slaughter any animal within the Municipality except in such a public slaughterhouse. However, there is no prohibition for licensing another slaughterhouse even if it is private slaughter house provided the same does not cause any nuisance or detrimental to the public health. Therefore, if the application of the petitioner made in 1998 is not yet disposed of, the first respondent may pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order, if not already disposed of.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

February 21, 2006

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